ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices	)	ET Docket No. 95-19

COMMENTS OF SONY ELECTRONICS, INC.

SONY ELECTRONICS, INC.

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SUMMARY

Sony Electronics, Inc. ("Sony") supports the Commission's goal of simplifying and streamlining the current equipment approval process for personal computers and peripherals. However, Sony believes that the proposed system of "self-certification" -- in particular requiring that a Declaration of Conformity ("DoC") be included with each unit of equipment and mandating accreditation of test labs by the National Voluntary Laboratory Accreditation Program ("NVLAP") -- would only increase the time and expense required to bring a new product to the market. Instead, Sony believes that it is time to institute a system of self-verification for personal computing equipment.

Sony believes that the accreditation of testing laboratories is unnecessary. There is no evidence that it will significantly increase the reliability of equipment testing. Moreover, the NVLAP accreditation process is extremely burdensome and costly and will only add to the expense of introducing new products. Nor does Sony believe that accreditation is necessary in order to gain entry to foreign markets. In the event that accreditation does prove necessary or useful for that purpose, Sony suggests that the FCC adopt a voluntary system that may be used by companies which wish to enter those markets, rather than penalize companies which wish to sell products only in the United States.

Sony also believes that the Commission's proposal to require manufacturers to include a Declaration of Conformity with each unit of equipment is unnecessary. Such a requirement would not provide consumers with any meaningful information but would further delay the introduction of new products by virtue of the long lead time required to produce and assemble user information materials. Instead, the Commission should adopt an expanded labelling requirement to ensure that users and regulatory authorities know who to contact in the event of a problem with the unit.

Rather than simply replace the current FCC certification process with a more cumbersome system of self-certification, Sony submits that the Commission should implement a verification system for computers and peripherals. Such a change is warranted in view of the relatively short life cycle of such equipment, the fact that such devices are not a significant source of interference, and the fact that compliance with the Commission's requirements has been quite good.

Finally, Sony believes that the Commission should permit modular power supplies to be tested with a non-inductive dummy load at the maximum rated output power of the power supply, as an alternative to testing in a typical configuration. This will avoid the difficult problems inherent in defining a "typical

configuration" for a power supply and will provide an objective method for evaluating the emissions profile of a power supply.

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To: The Commission

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Sony Electronics, Inc. ("Sony"), by its counsel, hereby submits its comments in response to the Commission's Notice of Proposed Rulemaking in the captioned proceeding (FCC 95-46, released Feb. 7, 1995) ("NPRM").

INTRODUCTION

Sony manufactures and sells a wide range of electronic products for consumer and business use, both in the United States and worldwide. These include various types of computer peripheral devices such as monitors, CD-ROM players, disc drives, etc., which are manufactured in the United States as well as in other countries. These products are subject to the FCC's equipment authorization procedures set forth in Parts 2 and 15 of the FCC's rules and regulations. In certain cases, Sony's products also are subject to regulation by other federal agencies, such as the Food and Drug Administration ("FDA").

Consistent with its corporate philosophy, Sony always has striven to serve the needs of its customers by bringing high quality state-of-the-art electronic products to the market as quickly as possible and at a reasonable price. Thus, Sony is in full agreement with the Commission's intent to facilitate the introduction of new products to the market and to reduce manufacturers' costs associated with equipment authorization. There is no question but that such changes will serve the public interest by facilitating the ready access of American consumers to the most recent technological innovations.

However, Sony respectfully submits that the changes proposed by the Commission, in particular its proposals to require the accreditation of testing laboratories and to require that a Declaration of Conformity ("DoC") be included with every unit sold, are unnecessary and will, Sony believes, prevent the accomplishment of the Commission's worthy objectives. Instead, rather than replace the current FCC authorization process with an equally burdensome, privately-administered process (as the Commission has proposed), Sony believes that the time has come to move to a system of self-verification for personal computers and peripherals.

I. THE COMMISSION'S PROPOSED EQUIPMENT AUTHORIZATION PROCEDURES WILL CREATE ADDITIONAL DELAYS IN THE EQUIPMENT APPROVAL PROCESS, THUS MAKING THE INTRODUCTION OF NEW PRODUCTS MORE DIFFICULT.

Currently, personal computers and associated peripherals are authorized through a certification process. The applicant has the equipment tested at an FCC listed laboratory, then submits a written application including the test report and certain other material to the Commission, along with the required processing fee. The application is evaluated by the Commission's laboratory in Columbia, Maryland and, assuming no additional information is required, the necessary equipment authorization is issued in one to two months.

The Commission has proposed that its current certification process be eliminated. Thus, it no longer would be necessary to file a certification application with the FCC.

Instead, the Commission has proposed a system of "self-certification." Under the Commission's proposal, the party responsible for equipment compliance would be required to have the equipment tested at an appropriate laboratory in order to demonstrate compliance with the Commission's emission's standards. Thereafter, prior to the importation or marketing of the equipment, that same party would be required to execute a "Declaration of Conformity" ("DoC") that would be included with the equipment packaging. NPRM at ¶ 6. The DoC would identify

the specific product; state that the product complies with Part 15 of the FCC's rules; identify the test report by date and number; and identify the name, address and telephone number of a United States entity responsible for ensuring compliance. Id.

Sony agrees with the Commission that the current FCC application and approval process should be eliminated. However, the Commission's proposal would impose unnecessary costs and burdens on manufacturers and would increase, rather than shorten, the time now required to bring new products to the market.

A. The Commission's Proposal To Require Laboratory Accreditation by NVLAP Is Unnecessary.

The first problem that Sony perceives in the FCC's proposal is the Commission's suggestion to move to a system of accreditation for test laboratories, using the National Voluntary Laboratory Accreditation Program ("NVLAP") developed by the National Institute of Standards and Technology ("NIST"). NPRM at ¶ 8. This is intended to replace the current system where manufacturers or suppliers may have their products tested for compliance at any laboratory that has filed with the FCC the information specified by Section 2.948 of the Commission's Rules.[1/]

[1/]The showing required by Section 2.948 includes, among other things, site attenuation data taken in compliance with American National Standards Institute (ANSI) C63.4-1992.

The Commission's proposal to move to an accreditation system is based upon several assumptions that Sony believes are incorrect. To begin with, Sony believes that such a system will save neither time nor money in the equipment approval process.

NVLAP accreditation is extremely burdensome and costly. The fee structure is complex, and, as the Commission has recognized, the coordination for offshore manufacturers will be extremely difficult and time-consuming. For example, although Sony manufactures its products in the United States and elsewhere, most of the initial design and compliance testing is performed at Sony's laboratories in Japan. Imposing a NVLAP accreditation requirement on those laboratories (which already satisfy the requirements of the FCC's rules) likely would complicate and delay Sony's efforts to bring new products to the market in the United States.

Moreover, even where manufacturers' in-house laboratories are located in the United States, manufacturers will bear significant costs in obtaining and maintaining NVLAP accreditation, which will make products more costly to produce. In the case of independent laboratories, the cost of obtaining and maintaining accreditation will result in higher costs that will be passed on to manufacturers, again resulting in greater cost to produce the product.

Second, Sony disagrees with the Commission's view that NVLAP accreditation will provide a significant additional measure of reliability for equipment testing beyond that already provided by the Commission's Rules. As noted above, Section 2.948 of the Commission's Rules already requires that test laboratories, both manufacturer-owned and independent, file with the Commission a detailed description of their measurement facilities, including a demonstration of compliance with ANSI C63.4-1992, which is also a basis for NVLAP accreditation. This description must be periodically updated by the laboratory.

There is no evidence to suggest that, of the approximately 500 laboratories that have filed such descriptions with the FCC, the NVLAP accredited laboratories are more reliable than others. Indeed, it appears that the evidence is to the contrary. At least one commenting party already has called to the Commission's attention an informal study conducted several years ago by the FCC's Columbia, Maryland laboratory in which it was determined that several NVLAP accredited testing labs were at the bottom of the FCC's informal ranking of the reliability of test laboratories. See Comments of Michael A. Nicolay at 1.

Third, to the extent that the Commission's proposed accreditation requirement is based upon a desire to achieve reciprocity with the European Union ("EU"), or with other countries, Sony believes that it is unnecessary.

Because it sells and distributes its products worldwide, Sony has a substantial base of experience in product compliance testing and approval, not only in the United States but in other countries as well. The EU EMC Directive, for example, does not require accreditation of test laboratories for personal computing devices. Rather, manufacturers or their representatives bear the responsibility for conducting the measurements in accordance with the Directive and related technical standards. Moreover, in Japan, where a new laboratory filing system is being implemented under the Voluntary Control Council for Interference by Information Technology Equipment ("VCCI"), if a laboratory is listed with the FCC, it will not be required to submit site attenuation data to the VCCI;[2/] by virtue of its listing with the FCC, the lab will be deemed to have enough competency to conduct measurements in accordance with the VCCI requirements.

Thus, Sony does not believe that laboratory accreditation is necessary in order to market computers and peripherals in other countries. However, even if the Commission is correct that there may be instances in which such accreditation may be helpful in satisfying the emissions standards in particular countries, Sony submits that it is unduly burdensome to impose an accreditation requirement upon all companies that market computers and peripherals in the United

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[2/]The VCCI is a voluntary system of EMI reduction and control.

States -- even those that do not wish to market their products abroad. Such a requirement would for no reason penalize companies that wish to operate solely in the United States. Instead, if laboratory accreditation is truly useful in gaining access to foreign markets, the FCC should develop a system that may be voluntarily used by those companies that wish to enter such markets.

In sum, Sony believes that the Commission should retain the current requirements of Section 2.948 of its rules and not impose any additional accreditation requirement.

B. Compliance Labelling Serves the Commission's Purposes Better Than A DoC System.

The Commission's proposal to require that a Declaration of Conformity be included with each piece of equipment would not provide any meaningful information to consumers and would delay the introduction and marketing of new electronic equipment. Instead, the Commission should modify its current labelling requirement to provide the necessary information.

Sony agrees with the Commission that American consumers should be informed that a particular piece of electronic equipment complies with the FCC's rules and should be furnished with the identify of the manufacturer, importer or other responsible party. Sony does not believe, however, that the

typical consumer will have any interest in reviewing the DoC, which not only would identify the responsible party but provide information on the compliance test report covering that product. Instead, most purchasers will be interested to know only: the product type and model number of the equipment (information that already is provided); whether the product complies with the Commission's standards; and whom to contact in the event that there is a problem with the unit. Thus, Sony believes that requiring a copy of the DoC to be included with each unit is unnecessary.

Such a requirement also would delay the introduction of new products to the market. At the present time, Sony and most other manufacturers print and assemble user manuals months in advance of the actual shipment dates of the equipment and prior to completion of FCC compliance testing. Shipment of the equipment (or its release into the United States from bonded warehouses) takes place once the product has been approved by the FCC. Requiring the DoC to be placed in each unit will delay printing and assembling of the written materials contained with the unit until a point in time much closer to the FCC approval date. With the relatively long lead times required to print and assemble those materials, this would undoubtedly delay the actual shipment of the product. American consumers, then, would bear the burden of this additional requirement while receiving no meaningful additional information in return.

Instead, Sony suggests that the Commission simply require that each piece of equipment contain a permanent label attesting to its compliance with the FCC's requirements and providing an address or phone number where the responsible party can be contacted in order to report interference problems or where the appropriate regulatory authorities could request a copy of the test report.[3/] The wisdom of compliance labelling over the DoC approach is particularly evident when considering the likelihood that subsequent owners of the equipment would not receive the DoC when obtaining the product second-hand. Labelling the product would protect these consumers as well.

An augmented labelling requirement such as Sony has proposed would impose much less additional burden upon manufacturers, would provide to consumers and regulators the necessary information concerning responsibility for FCC compliance, and would not impair the delivery of new electronic equipment to the general public.

[3/]In order to maintain the accountability of off-shore manufacturers, the Commission also may wish to incorporate in its rules a requirement identical to that already imposed by Section 1005.25 of the FDA's rules. That rule section requires every manufacturer of electronic products, prior to offering such product for importation into the United States, to designate "a permanent resident of the United States as the manufacturer's agent upon whom service of all processes, notices, orders, decisions and requirements may be made for and on behalf of the manufacturer." 15 C.F.R. §1005.25 (1994).

II. THE COMMISSION SHOULD REPLACE THE CERTIFICATION PROCESS FOR PERSONAL COMPUTERS AND PERIPHERALS WITH A VERIFICATION SYSTEM.

As the Commission noted in its NPRM, the time required by the current certification process consumes a significant portion of the ever-shrinking life cycle of personal computer equipment. Rather than move to a DoC system such as proposed by the Commission, which offers the very real prospect of increased costs and delays, Sony submits that the time has come to move to a system of verification for personal computers and peripherals.[4/]

A verification system would require that the manufacturers (or, in some cases, suppliers) have equipment tested for compliance with FCC standards and maintain the test report in their files, making it available on request. Rather than requiring NVLAP accreditation of laboratories, the Commission should maintain the current process of requiring laboratories to submit data and descriptions under Part 2 of the rules.

[4/]In the event that the Commission does not adopt a verification system for personal computing equipment, Sony would prefer to retain the existing system of FCC certification rather than to move to a Declaration of Conformity/NVLAP accreditation system proposed by the Commission. Even though Sony agrees that there are problems with the current system, Sony believes, as noted above, that adoption of the Commission's proposal would only magnify, rather than solve, those problems.

As noted above, appropriate compliance labelling would provide sufficient notice that a particular piece of equipment has been verified to comply with the Commission's Rules, along with information about how to contact the responsible party in the event of any problems. Moreover, Sony recommends retention of the existing requirement that the user manual contain a statement about how to correct and prevent interference.

Changing to a verification system would not alter the applicable emissions standards. However, by significantly simplifying and shortening the pre-marketing approval process, adoption of this proposal would substantially reduce the existing burdens on manufacturers and the Commission and would expedite the ready access by American consumers to state-of-the-art computing devices.

Moreover, there is no longer any need to maintain the current distinction between other digital devices, which are subject to a verification process,[5/] and personal computers and equipment. As the Commission has recognized, personal computing devices are not a source of significant interference, and compliance with the Commission's requirements concerning these devices has been quite good. Increased post-grant sampling in the market, as the Commission has stated that it intends to do,

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[5/]Sony believes that the existing verification system should be maintained for other digital devices.

will help ensure that deregulation of the equipment authorization process does not unduly increase the risk of undesirable interference and/or harm to the public.

III. THE COMMISSION SHOULD PERMIT TESTING OF POWER SUPPLIES FOR PERSONAL COMPUTER EQUIPMENT USING A DUMMY LOAD.

The Commission has proposed to permit modular testing of certain components typically found in personal computers. With respect to power supplies, the Commission has suggested retaining the current requirement that power supplies be tested when installed in "a typical configuration." NPRM at ¶ 21.

Sony, however, believes that there is no such thing as a "typical configuration" for a modular power supply. Unlike other major components of a personal computer, such as a motherboard, for which there generally are a range of definable configurations, a modular power supply is limited only by its maximum rated power. Within that range, it will support an extremely broad range of possible configurations, each of which is to some degree "typical," limited only by the cumulative needs of those other components for electrical power.

In this context, the Commission's proposed requirement that a power supply be tested in a "typical configuration" will, in practice, raise very difficult issues of interpretation and application. Moreover, in view of the wide range of possible

configurations that might be considered "typical," there will be very little objective way of determining whether a configuration truly satisfies that requirement.

Accordingly, Sony suggests that the Commission permit testing of power supplies with a non-inductive dummy load at the maximum rated output power of the power supply, as an alternative to demonstrating compliance by testing in a typical configuration. This would eliminate the problems associated with defining a "typical configuration" for a modular power supply and would provide an objective method for evaluating the emissions profile of a power supply.

CONCLUSION

For the above reasons, Sony proposes that the Commission adopt a system of self-verification, rather than certification, for personal computers and peripherals. In

addition, Sony requests that the Commission permit the testing of power supplies with a dummy load, as an alternative to testing them in a typical configuration.

Respectfully submitted,

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